

**TOWN COUNCIL  
EMERGENCY MEETING  
APRIL 28, 2004**

The meeting was called to order at 12:05 p.m. Present were Mayor Truex, Vice-Mayor Paul, Councilmembers Crowley and Starkey. Also present were Assistant Town Administrator Cohen, Town Attorney Kiar, and Town Clerk Muniz recording the meeting. Councilmember Hubert was absent.

Director of Human Resources Management Mark Alan explained the purpose of the meeting was to request authorization to engage the law firm of Fisher & Phillips as special labor counsel to address a first representation certification issue. He referred Council to documentation provided on the firm and advised a representative of the firm was willing to address Council at the May 5th Council meeting.

Vice-Mayor Paul indicated that most of the correspondence was dated April 19th and questioned why Council was being advised at the current time. Mr. Alan explained the nature of timeframe and stated that staff did not have enough direction to act on.

Councilmember Starkey felt there was an issue because she did not feel there was an emergency and should not have been noticed as an emergency meeting. She stated she was extremely uncomfortable about the notification for the meeting and felt there was sufficient time for staff to provide adequate notice so that this issue could have been discussed at the workshop held the previous day. Mr. Cohen explained different obstacles that led to the tight timeframe and the uniqueness of the situation. Councilmember Starkey felt that sufficient time would have allowed Council to do their homework and research other law firms. She spoke of Muller & Mintz, a firm that previously handled labor relations for the Town.

Mr. Alan indicated that staff had contacted special counsel Michael Burke who indicated that he was not prepared to handle the issue and had recommended Fisher & Phillips. He spoke of the chronology of events that led to the decision to select the firm Fisher & Phillips.

Vice-Mayor Paul indicated that there were times when circumstances led to a time crunch and that it was not always possible for staff to get the information to Council when it wanted it. Mr. Alan indicated that the firm was willing to offer the Town a rate lower than it usually charged. Vice-Mayor Paul indicated that she relied on staff to handle such issues and stated that she had no opposition to going forward with staff's recommendation.

Mr. Kiar referred to correspondence staff received and suggested that in the future, staff take the initiative to contact relevant parties if they received any correspondence indicating pending legal action. He also pointed out that his firm had not been copied on correspondence related to this issue. Mr. Kiar asked that staff contact the Town Attorney's Office prior to Mr. Burke or any other attorney being hired.

Mayor Truex felt as there was a time crunch, he had no problems with the way the meeting was handled.

Councilmember Starkey indicated she had spoken with Paul Ryder of Muller & Mintz and was advised that the firm had not worked on anything lately because the Town had not requested any assistance. She stated that Mr. Ryder had indicated his firm was willing and able to assist the Town if it needed their help. Councilmember Starkey indicated that she would feel

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more comfortable going back to a firm that the Town had worked with, before hiring an outside firm.

Vice-Mayor Paul asked if the firm Councilmember Starkey referred to was on an existing contract. Mr. Alan indicated in the negative. Vice-Mayor Paul was sure that staff meant no disrespect to Mr. Kiar.

Vice-Mayor Paul made a motion, seconded by Mayor Truex to approve. In a voice vote, all voted in favor with Councilmember Hubert being absent. (Motion carried 4-0)

Councilmember Crowley made a motion, seconded by Vice-Mayor Paul, to excuse Councilmember Hubert. In a voice vote, all voted in favor with Councilmember Hubert being absent. (Motion carried 4-0)

There being no further business to discuss and no objections, the meeting was adjourned at 12:45 p.m.

Approved\_\_\_\_\_

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Mayor/Councilmember

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Town Clerk